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Senate

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have promised us that "In quietness and confidence shall be your strength." Isaiah 30:15. Thank You for prayer in which we can commune with You, renew our convictions, receive fresh courage, and reaffirm our commitment to serve You. Here we can escape the noise of demanding voices and pressured conversation. With You there are no speeches to give, positions to defend, party loyalties to push, or acceptance to earn. In Your presence we simply can be and know that we are loved. You love us in spite of our mistakes and give us new beginnings each day. Thank You that we can depend on Your guidance for all that is ahead of us. Suddenly we realize that in this quiet moment we have been refreshed. We are replenished with new hope.

Now we can return to our outer world of challenges and opportunities with greater determination to keep our priorities straight. We want to serve You by giving our very best to the leadership of our Nation to which You have called us. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will announce we will be in a period of morning business for the next hour. I ask unanimous consent that Senator KENNEDY be the designee of the majority for that 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. As soon as we complete the morning business, we will return to the trade bill. Senator WELLSTONE, under an order entered last night, will be recognized to offer his amendment regarding labor impact. We have a number of Senators who have indicated they want to be recognized shortly thereafter. Senator WELLSTONE'S

amendment, I am told, will not take very long. So Senators who wish to offer amendments should be here this morning, and we will be happy to put them in the queue so this legislation can move as quickly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak up to 10 minutes each. Under the previous order, the time from 10 a.m. shall be under the control of the majority leader or his designee.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the last request, we have half an hour under my control; is that correct?

The ACTING PRESIDENT pro tempore. The Senator controls the time until 10 a.m.

EDUCATION

Mr. KENNEDY. Mr. President, I appreciate the leadership giving me and others an opportunity to talk about an issue which is of central importance and consequence to families across this country. Families are thinking about education. Families are thinking about the coming days in May and early June when their children will be graduating. They are also thinking about the indebtedness they will face when their children graduate. Others are looking forward to the fall as their children are

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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accepted to schools and colleges across the country.

Families are very concerned about what is happening in the public schools across this Nation. Some 55 million of our children are going to public schools. As we know, over the period of the remaining part of this century, that population is virtually going to double. It will be virtually 98 million. It will be an enormous challenge to ensure we continue to lead the world as the premier economic and democratic power if we do not provide for the education of our young people. Education is a key component of democracy and is key to defending our vital interests.

I remind this Senate where we are in terms of education funding. Money is not the answer to everything, but it is a pretty clear indication of what our Nation's priorities are. Last year we worked out strong bipartisan legislation with the President of the United States, Republicans, my friend Senator GREGG, Congressman BOEHNER, Congressman GEORGE MILLER, and myself, the members of our Education Committee, Republicans and Democrats alike. I can see them all in my mind, their strong advocacy in terms of the children of this Nation. One of the great pleasures of serving in the Senate is working with our colleagues on education and investing in education as a priority for our country. But, today we are faced with an education budget proposed by the President that does not make the promise of the "No Child Left Behind Act" a reality.

We are talking about a budget of some \$2.3 trillion. In that budget, less than 2 cents out of every dollar is focused on education. Parents are surprised to hear that. Many Members believe we ought to reflect our priorities and their priorities in education by providing greater investment. It is appropriate I mention that because this last year we had a major restructuring, a reform. We put much greater requirements on our children, a greater expectation in terms of accountability. We are insisting that the parents be involved. We provide supplemental resources for children falling behind. We ensure any evaluation of children is based upon a good, well-thought-out curriculum and based upon State standards.

All of the recommendations that have been made over the period of recent years have demonstrated positive results. The real issue now is whether we are going to fund that program or whether we are going to claim that we did something for the American people not back it up.

I draw the attention of our colleagues to the statement of the President of the United States this last week in the Midwest where he was talking about the achievements of the No Child Left Behind. In his speech, on page 3, he said:

We have responsibilities throughout our society. We have responsibilities. The Federal Government has responsibilities. Gen-

erally, that responsibility is to write a healthy check. We did so in 2002 budget—\$22 billion for secondary and elementary schools, it's an increase of 25 percent. We have increased the money by 35 percent for teacher recruitment, teacher retention, teacher pay.

That was done with the strong urging and the insistence of the Democrats.

Now we have the administration on its own, and let us see what they are doing with education. Prior to last year, the Bush proposal for 2002 was an increase of 3.5 percent. What I have just referred to was the congressional "final" of fiscal year 2002 which was the 20-percent increase to which the President referred. After that marvelous admonition about all the things we are doing and the Federal responsibilities, we can ask ourselves, I wonder what they will do for the next fiscal year.

Right out here is your answer. It is a 2.8-percent increase. It is basically an abdication of responsibility to the children of this country.

Under the President's program, named "No Child Left Behind," we saw in 2002, 6.3 million children who were not covered by Title I and were not being helped. Children who are qualified for this program. They are not being helped. What happens under the President's own program? In 2003, the number of students not being served by Title I grows by 250,000. It is not going down. The number is going up the number of children who are not being served. That is in contrast to our commitment in that legislation that shows a decline in the total number of children who would not be served so that by FY 07 we will have cut that number in half—from 6.3 million children to 2.9 million. We should fully fund Title I so that no child is left behind. We have, in Congress, taken a step in that direction. But what does the President propose? A step in the opposite direction. More Title I children left behind.

What is the reason to say all these children are going to be left out or left behind? All you have to do is look at the President's budget for the out years and see it is effectively zero in each of those following years.

Let's take a few of the essential elements of the No Child Left Behind Act. Teacher training—is there a family in this country who does not understand that you have to have a well-qualified teacher in every classroom? That is one of the prime elements of this legislation. We increase the funding for recruitment, retention, and professional development. Those elements are included in that legislation in a variety of different ways, including mentoring—to have experienced teachers mentor younger teachers, with a variety of different outreaches to get the best of America to work in the classrooms. This is what was committed to last year.

Look at what is in the President's budget for fiscal year 2003—a zero increase in this fund to meet our responsibility for teachers.

What was a second important element? There are many, and I will just mention some. What is the second important element? The second important element is after-school learning opportunities. Why is that important? It is pretty obvious. Parents understand that after-school programs can provide a variety of services. Many now are providing the academic help for children, either tied into schools or tied into voluntary organizations, and many, as in my own city of Boston, are tied into universities to assist the children in those programs. That is to make sure the supplementary services that are included in this legislation are going to be available to these children, either in school or, if it is not possible there, to do it in the after-school programs. These after-school programs are enormously important.

I will not take the time today, but I will later on, to show, where children have had the opportunity for after-school programs, how that has enhanced their academic accomplishment.

What does the administration have? Basically no increase whatsoever—zero—for the after-school programs.

I will draw the attention of our colleagues to after-school programs in terms of demand. There are a great number of applications from local school districts across this country that would qualify if the resources were there for after-school programs, but remain unfunded. We are only able to fund a very small portion. Mr. President, 2,783 applicants applied for federal after-school funds, and only 308 could be funded.

There are enormous opportunities. If we are going to talk the talk, we ought to walk the walk, and walking the walk means investing in these children, investing in after-school programs and making sure they are going to have good teachers.

Let's look at what is happening to many of the children coming into our schools for whom English is a second language. The challenges for those children are extraordinary. But there are a number of very exciting efforts, programs that are enhancing both the English and the native language of these children. We can get into that, and will at another time, but let me just give a couple of statistics.

Today, as we are here, there are 180,000 children in Los Angeles County who do not have desks because there is not adequate funding. In Los Angeles County, they have cut back 17 days of school for many students because they do not have the resources. And we are cutting back in our participation, to reach out to these children who are qualified for help? Can somebody explain that? And they say it is a national priority? That just does not even pass the laugh test.

This chart: "Bush Budget Undermines School Safety." This is about safe and drug-free schools. Anyone who travels to any high school across this

country will find the parents and teachers, others, will talk about these matters I mentioned: A well-qualified teacher, after-school programs, books—they talk about their libraries. And they talk about the safe and drug-free schools. They talk about safety in the schools. They talk about substance abuse in the schools. They talk about trying to make sure that you are going to have a safe atmosphere, where children can learn, inside the schools.

That is a key element. And it is a key element of our legislation. But certainly not for this administration. This administration has cut back on any little marginal increase. Not only are we getting flat funding on a number of education priorities, we are actually seeing a decline in funding for safe and drug-free schools. That is after that program had been carefully worked out by two of our colleagues, Senator DEWINE and Senator DODD, who spent a great deal of time having special hearings on that program. This program was broadly endorsed across the country, and here we have the issue about having safe and drug-free schools as a key element to make sure our schools are going to measure up, and we have the administration effectively cutting funding for this program.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. I am glad to yield.

Mr. DURBIN. I thank the Senator.

When it comes to the issue of education, it is clear that this President has not done his homework.

Will the Senator from Massachusetts recount for this Senator, for the record, what happened in the debate and deliberation over No Child Left Behind? Is it not true that both parties came together in a bipartisan fashion, behind the President, to authorize and create the very programs the Senator is describing today? Is it not true that the Senator from Massachusetts, who has been on this Senate floor as a leader in education, worked hand in hand with the President to put in place this reform of public education across America with the promise it would be more than a press conference, that it would be a commitment to funding education to make certain these programs work? Is that not a fact?

Mr. KENNEDY. The Senator states the history entirely accurately. We were stalemated here on the floor of the Senate when we tried to visit the reauthorization of elementary and secondary education. President Bush made this an important item during the course of his campaign. All of us welcomed the opportunity to work with him.

I do not question his own personal commitment to education reform. But if we are going to really be serious about trying to make a difference, after we have the reform, we have to fund it.

The question of the Senator suggests a very important item with which we wrestled. If you have money without reform, you are not having an effective

use of your money. If you have reform without resources, you are not going to achieve any goal. That was basically the dilemma we were facing. We put the reform together. The question is now whether we are going to give the help to those children, to those teachers, to those parents.

Let me, since the Senator is on his feet, just mention one item in addition which is of enormous importance. I see my friend from Minnesota here as well. The Bush budget provides zero funding to support parental involvement. There is not a successful school district in this country that does not have the involvement of the parents, the representation of the parents—people who are involved whose interest is the interest of the child in the school. Not only that, the administration has failed to include parents in a meaningful way in the development of the rules and regulations for the No Child Left Behind Act. Of the 22 panelists presiding over the Title I rules, only 2 represented parents and the administration is now facing a law suit for leaving parents behind in this process.

Now the parents organizations are challenging the Department of Education to say: "Let us in the door." "We thought we were included." We see parents being closed out here with no involvement and effectively being denied inclusion in the development of the rules and regulations. I will come back to them in just a few moments. But this must be a matter of concern as well.

Mr. DURBIN. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. DURBIN. Isn't it also a fact, as we read the newspapers from across the United States, that State after State is facing a cutback in the resources that the States have available for education? In my home State of Illinois, they are currently in session in Springfield trying to figure out how they are going to deal with diminished resources. This morning's paper talks about the State of California losing 20 to 25 percent of its revenue in the coming year, forcing hard decisions in every area, including education.

So this refusal of the Bush administration to fund the very programs they were crowing about, announcing just a few months ago, is going to have a multiple impact on these States that are already facing tough times when it comes to their own budgets, as I see it.

Mr. KENNEDY. The Senator is absolutely correct. The estimates are anywhere from \$40 to \$50 billion of shortfalls in States in terms of deficits. And, of course, an important impact of that \$40 to \$50 billion shortfall will be in areas of education, both higher education and also State support to K-12 education.

We have, in this legislation, requirements that the States are not permitted to let the Federal money supplant the States' obligations.

And now, when we have the situation that the Senator has outlined, how are

we going to say to the States, no, you can't cut back—when we are already cutting back on them, when we are already undercutting what is happening in the States by denying the investment in these children in these areas which we have worked out in a bipartisan way, virtually unanimously, in both Houses, with the great support of parents, of educators, of school boards, superintendents? It was not completely unanimous, but about as close to it as you could have on a major kind of a policy issue. And I am just as troubled, as the Senator must be, that we are failing.

I am troubled, as well, with what we saw just this past week. I ask the Senator whether he would agree that we have to ask ourselves, is this administration really committed to quality education, when they were about to eliminate the possibility of students consolidating their loans at the current lower interest rates and save students and families hundreds of millions of dollars? And they beat a quick retreat on this.

But does it not suggest to the Senator that we are at least missing the note on investing in children and making good education more available and accessible?

Mr. DURBIN. The Senator from Massachusetts, I think, brings two points together. When you reduce the ability of students to go to college, you necessarily reduce the opportunities to create tomorrow's teachers. We need to hire 55,000 new teachers in my State of Illinois over the next 4 years. What the Bush administration proposed was to make it more expensive for students across America to go to college.

Students who are working hard and sacrificing would have paid more were it not for the efforts of the Senator from Massachusetts and many on this side of the aisle that forced the Bush administration, in the last few days, to back off that.

But let me ask the Senator, if I may, this one last question because my colleague from Minnesota would also like to participate in this. Is this not, in this budget this year from this Bush administration, the smallest proposed increase in K through 12 education since 1988?

Mr. KENNEDY. The Senator is correct, this is the smallest increase not only for K-12 education since 1988, but also the smallest proposed increase for education as a whole in seven years, as I am quickly reminded by my wonderful staffer Danica. As this chart says: "The Bush Administration: Smallest Increase for Education in 7 Years." This represents the increase in education. As you can see, The increase for 1997 was 16 percent, for 1998, 12 percent, for 1999, 12 percent, for 2000, 6 percent, for 2001, 19 percent, for 2002, 16 percent and then for next year Bush proposes only 3 percent. This is total education. Sometimes there is a flyspecking in terms of education. We have not gotten into, for example, the IDEA and the retreat the Republicans had in making

sure we are going to have the full funding for the IDEA, which the Senator fought for and is so important.

But let me just mention one final item—going back to the consolidation issue. Only 3 percent of the graduate degrees conferred in this country are in law and in medicine. If you remember the rationale of the administration, they said: we do not need to provide for consolidation at a fixed rate because these young people are all going to be lawyers and doctors, and they will be able to pay it off. They represent only 3 percent of the graduate degrees conferred.

The people I am concerned about are those childcare workers—who we are trying to help in terms of providing better quality childcare—who are trying to get their degrees and are going to have to borrow money. I am concerned about the nurses who are trying to get those advanced degrees so they can provide better care. And I am concerned about the teachers who are trying to get a better upgrading of their own kinds of skills who are going to have to go out and borrow. Those are the ones who would have been affected by denying these borrowers the lower interest rates. So that is why I am so glad the administration retreated on it.

I thank the Senator for bringing up these important points.

Mr. DAYTON. Will the Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. DAYTON. I applaud the Senator from Massachusetts whose leadership and commitment to these children for decades have been resolute. When I came to the Senate a year ago, I thought what a phenomenal opportunity I would have to work with the Senator and others of our colleagues, given the resources we seemed to have available at that time. As I recall, we had trillions of dollars of surpluses. That was the context in which I recall the Leave No Child Behind partnership was forged.

I wonder how the Senator feels about having made that commitment, and seeing that promise made for funding for all these areas, and now seeing a budget that comes out like this. What happened to all that money we were going to spend on children?

Mr. KENNEDY. The Senator is quite correct. As a matter of fact, the \$1.3 billion the OMB had expected, if their proposal in terms of eliminating the consolidation of loans had taken place, would have effectively been used for the tax breaks. You would have had a transferring of resources from the sons and daughters of working families—and not just the sons and daughters because many now in these community colleges, I am sure in your State as well as mine, are mid-career people trying the upgrade their skills. So it is also mothers and fathers who are going for graduate degrees, as well as sons and daughters. But it effectively would have had those individuals paying more

interest on their student loans so that the top 1 or 2 percent of the income-tax payers would have been able to get their additional kinds of tax relief. I think those are absolutely the wrong priorities.

It seems to me we heard in the Senate not long ago that we can have it all, we can have the tax cut and the education and the defense—we can have it all. And there were many of us who did not believe you could have it all. There are still some trying to say you still can.

But the Senator's question points out how the education for working families—in the K through 12, and also in college—is going to be limited because of the administration policy.

Mr. DAYTON. The Senator's use of the word "priorities" is exactly the right choice. I recall this year we approved another \$43 billion in tax breaks for the largest corporations in this country. Combined with what was done last year, would the Senator agree that the priorities of this administration are just fundamentally at odds with the interests of children in America?

Mr. KENNEDY. It seems to me most Americans are agreeing, we have a new day in America as a result of the tragedies of September 11: enormous loss, incredible inspiration for the men in blue, who will be honored outside this Capitol today, and mindful of the 233 who were lost, and the incredible courage of those Americans. We have a new and different day. We have a different economy, different obligations in homeland security, in foreign policy. We have a responsibility here at home to meet the needs of our people.

Mr. President, I ask unanimous consent for 30 more seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I think that is what is enormously important: Be strong at home. And there is no place we can be stronger at home than investing in the children of this country.

Mr. DAYTON. I thank the Senator, again, for his courageous leadership on this issue for so many years.

Mr. KENNEDY. I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee.

Mr. GREGG. Mr. President, I yield myself 10 minutes of that time. I understand the Senator from Ohio would like 15 minutes off that time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

THE PRESIDENT'S COMMITMENT TO EDUCATION

Mr. GREGG. Mr. President, I find the discussion of the Senators from Massachusetts and Illinois and Minnesota most interesting. It reminds me of that

old story of the attorney up in northern New Hampshire who received a report from one of the logging camps he represented. There were seven people in this camp, five men and two women. The report came in that 50 percent of the women were marrying 20 percent of the men.

The numbers which have been thrown out here are, to say the least, a bit disoriented, dysfunctional, and inaccurate. They certainly don't reflect this President's commitment to education. In fact, I don't think anybody can seriously question this President's commitment to education. He not only has made it a priority, he has essentially made it his No. 1 domestic priority after the issue of fighting terrorism, which of course is our Nation's No. 1 issue right now.

It was under his leadership that we passed a landmark piece of legislation in which obviously the Senator from Massachusetts played a large role, as did the Senator who is presiding at the present time. That legislation essentially reorganized the way we approach legislation at the Federal level as it affects elementary and secondary school education.

Basically, it took a large number of programs and merged them together and turned that money back to the States with more flexibility, the purpose of which was to give the States and the local communities specifically more dollars with fewer strings and, in exchange for giving them more dollars with fewer strings, expect more for those dollars and have standards which have to be met to show that that has occurred; in other words, specifically saying, we don't expect any children to be left behind.

The Federal role in elementary and secondary education is a fairly narrow role; 92 to 93 percent of the money comes from the local communities or the States; they have the priority role in education. The Federal role in education has picked two targeted areas on which to focus. No. 1 is low-income kids, making sure they are not left behind. No. 2 is special needs kids, special education kids. This ESEA bill which we passed, the No Child Left Behind bill, essentially said we will give the local communities more money with fewer strings, fewer categorical programs; but in exchange for that, we will expect that especially low-income kids have a better opportunity to learn and that they are not left behind; we will ask the States to set up standards which test that.

What did the President do? He didn't give them less money. He gave more money into this program. If you look at the chart the Senator from Massachusetts held up, you will see that the increases in the Federal commitment to education have been massive over the last 2 years: 19 percent over the base 2 years ago; 16 percent on top of the 19-percent base; and then 3 percent on top of that, with the practical effect being that the dollar increase has been